

EXHIBIT A

Subject: RE: AG v OAI - cross-production

Date: Thursday, March 20, 2025 at 10:45:46 AM Pacific Daylight Time

From: Christopher S. Sun (via Alter-AI-TT list)

To: Amber Magee, OpenAICopyright, openaicopyrightlitigation.lwteam@lw.com, KVP-OAI

CC: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com), Charlotte Lepic

EXTERNAL Email

Hi Amber,

On the first point, I feel a bit like it's Groundhog's Day. Are you raising anything that we haven't already discussed in the thread below? If not, our position remains the same. As I noted in my February 10 email: "OpenAI remains willing to discuss cross-producing materials (and, indeed, has agreed to cross-produce the files of several custodians already). But we don't believe it is appropriate for Plaintiffs to make unpredictable, *seriatim* demands for new cross-productions and/or custodians based on information that Plaintiffs have had since discovery began. Given the stage of the litigation, that seems unnecessary, inefficient, and unproductive. But if Plaintiffs insist that they need to preserve that full right—presumably to exercise it later—there's not much I can do about that. OpenAI remains willing to discuss a reasonable compromise." And in my March 4 email I reiterated that our "offer to continue trying to reach a compromise that makes sense for both sides stands." If Plaintiffs are now willing to contemplate reasonable limits on new custodian and cross-production requests, let's talk, because as far as I know, and as reflected in the below thread, Plaintiffs have flatly refused to accept any limits of any kind.

On the second point, thanks for explaining. OpenAI will agree to cross-produce privilege log entries covering redactions in the Balaji and Sutskever cross productions and documents from their files that were withheld from production in the applicable actions on the basis of privilege (and thus not cross-produced here).

Chris

From: Amber Magee <AMagee@susmangodfrey.com>

Sent: Thursday, March 13, 2025 4:07 PM

To: Christopher S. Sun <CSun@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; KVP-OAI <KVPOAI@keker.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>; Charlotte Lepic <Clepic@susmangodfrey.com>

Subject: Re: AG v OAI - cross-production

[EXTERNAL]

Chris,

Please confirm by no later than next Thursday that OpenAI will cross-produce documents from Lampe, Lightcap, and Zaremba. At a minimum, Lightcap and Zaremba will be deposed in the News Cases so there is no basis for OpenAI to continue to withhold this cross-production. If OpenAI is unwilling to commit to making this cross-production in a

timely matter by next Thursday, we will plan to raise the issue with the Court.

On the subject of logging, our request is supported by the parties' obligation under the ESI Order. If OpenAI is withholding documents from cross-produced files under a claim of privilege, OpenAI should log those documents so that we can understand the redactions in OpenAI's cross production and understand the documents that OpenAI is withholding from the production. To the extent its helpful, we have no issue with OpenAI serving the same logs it has already served in the other cases or intends to serve in the other cases. Please let us know if OpenAI will agree to do so.

Thanks,

Amber B. Magee | Susman Godfrey LLP

903-948-9639 (c) | amagee@susmangodfrey.com

1000 Louisiana St. | Suite 5100 | Houston, Texas 77002

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From: Christopher S. Sun <CSun@keker.com>

Date: Tuesday, March 4, 2025 at 11:21 AM

To: Amber Magee <AMagee@susmangodfrey.com>, OpenAICopyright <OpenAICopyright@mofo.com>, openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>, KVP-OAI <kypoai@keker.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>, Charlotte Lepic <CLethic@susmangodfrey.com>

Subject: RE: AG v OAI - cross-production

EXTERNAL Email

Hi Amber,

I don't think we need to keep going back and forth on your first point. Our offer to continue trying to reach a compromise that makes sense for both sides stands.

On privilege logs, thanks for the clarification. Can you point me to case law supporting your demand? I'm not saying no, I've just not personally encountered this situation before. If I understand you, you're asking OpenAI to provide privilege log entries that were created for a search performed in a different case. Right? If so, we'll consider the request, but it might make things easier if you can point me to authority supporting the ask.

Chris

From: Amber Magee <AMagee@susmangodfrey.com>

Sent: Monday, February 24, 2025 3:30 PM

To: Christopher S. Sun <CSun@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; KVP-OAI <KVPOAI@keker.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>; Charlotte Lepic <Clepic@susmangodfrey.com>
Subject: Re: AG v OAI - cross-production

[EXTERNAL]

Chris,

We did not "renege." As you know, that offer was conditioned on OpenAI agreeing to cross-produce those custodians. You did not accept that offer and we withdrew it (indeed, your email below does not suggest that OpenAI would agree to cross-produce those files on those terms.) There is no burden associated with cross-production, so we do not believe any limitations are necessary. To the extent Lampe, Lightcap and Zaremba have files that are being produced in the News Cases, they should be produced in this case too. We've met and conferred on this and we're at an impasse.

On logs, if we understand your email correctly, we disagree that there is no dispute. It sounds like you are saying that OpenAI is not withholding any documents already produced in other actions on the basis of privilege. We would hope not, since OpenAI presumably has already reviewed those documents for privilege and any such privilege would be waived. However, that is not what we are asking for. If OpenAI withheld Balaji or Sutskever documents on the basis of privilege in the ND Cal. or News cases, it should produce in this case a log of those documents. If OpenAI will do that, there is no dispute. Please confirm or propose a time to meet and confer.

Amber B. Magee | Susman Godfrey LLP

903-948-9639 (c) | amagee@susmangodfrey.com

1000 Louisiana St. | Suite 5100 | Houston, Texas 77002

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From: Christopher S. Sun <CSun@keker.com>

Date: Monday, February 10, 2025 at 6:36 PM

To: Amber Magee <AMagee@susmangodfrey.com>, OpenAICopyright <OpenAICopyright@mofo.com>, openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>, KVP-OAI <KVPOAI@keker.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>, Charlotte Lepic <Clepic@susmangodfrey.com>
Subject: RE: AG v OAI - cross-production

EXTERNAL Email

Hi Amber,

We're disappointed that Plaintiffs are now renegeing on their prior offer to not seek cross-production of custodians except (a) on the basis of new information they learn or (b) relating to any deponent on whom Plaintiffs are coordinating depositions with the News Plaintiffs in this district or the class plaintiffs in the N.D. Cal. action.

Is there a particular reason you are doing so? It seems awfully late in the day to be demanding new custodians and cross-productions, especially if those demands are based on information that Plaintiffs have had since discovery opened in this matter. I'll reiterate that OpenAI remains willing to discuss cross-producing materials (and, indeed, has agreed to cross-produce the files of several custodians already). But we don't believe it is appropriate for Plaintiffs to make unpredictable, seriatim demands for new cross-productions and/or custodians based on information that Plaintiffs have had since discovery began. Given the stage of the litigation, that seems unnecessary, inefficient, and unproductive. But if Plaintiffs insist that they need to preserve that full right—presumably to exercise it later—there's not much I can do about that. OpenAI remains willing to discuss a reasonable compromise.

With respect to privilege logs, I don't believe we are withholding anything from Dr. Sutskever and Mr. Balaji's cross-productions on the basis of privilege (that is, we aren't refusing, on the basis of privilege, to cross-produce any of their custodial documents in AG that we produced in NYT). That being the case, I don't think there's anything to log. Let me know what I'm missing though.

Chris

From: Amber Magee <AMagee@susmangodfrey.com>

Sent: Tuesday, February 4, 2025 8:22 AM

To: Christopher S. Sun <CSun@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; KVP-OAI <KVPOAI@keker.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>; Charlotte Lepic <Clepic@susmangodfrey.com>

Subject: Re: AG v OAI - cross-production

[EXTERNAL]

Counsel,

After further consideration, we disagree that OpenAI needs additional limitations on future cross-production in order to cross-produce the files of Michael Lampe, Brad Lightcap, and Wojciech Zaremba. Please confirm that you will cross-produce those files. Otherwise, the parties are at an impasse, and we will move to compel.

In addition, please confirm that you are also logging documents that were withheld or redacted from Mr. Sutskever's and Mr. Balaji's files which you are cross-producing.

Thanks,

Amber B. Magee | Susman Godfrey LLP

903-948-9639 (c) | amagee@susmangodfrey.com

1000 Louisiana St. | Suite 5100 | Houston, Texas 77002

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From: Charlotte Lepic (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>

Date: Wednesday, January 15, 2025 at 11:10 AM

To: Christopher S. Sun <CSun@keker.com>, OpenAICopyright

<OpenAICopyright@mofo.com>, openaicopyrightlitigation.lwteam@lw.com

<openaicopyrightlitigation.lwteam@lw.com>, KVP-OAI <KVPOAI@keker.com>, Charlotte

Lepic <CLethic@susmangodfrey.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>

Subject: Re: AG v OAI - cross-production

EXTERNAL Email

Please disregard the email below. And as part of deposition protocol discussions, we asked OpenAI and Microsoft to agree to cross production of all documents across any coordinated cases. There is also no burden to cross production of documents, no reason why relevant documents cannot be cross produced, and therefore no reason for the parties to impose any artificial limit on it at this point. Plaintiffs plan to raise the issue in the deposition protocol briefing this week. Thanks.

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

From: Charlotte Lepic (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>

Sent: Wednesday, January 15, 2025 9:40 AM

To: Christopher S. Sun <CSun@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; KVP-OAI <KVPOAI@keker.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>

Subject: Re: AG v OAI - cross-production

EXTERNAL Email

Chris,

Thank you for discussing cross-production on Thursday Jan. 9 and for confirming that you will cross-produce Suchir Balaji's files. Despite the absence of burden, you are refusing to cross-produce these custodians' files unless there are limits on cross-production. Your concern is, in essence, that because there is so little burden associated with cross-production, we may seek additional cross-production down the line. As an initial matter, any such request would be entirely proper, given the absence of burden. In any event, that is more properly addressed if and when Plaintiffs make any such request rather than now in the abstract. Asking us to agree to tie our hands ex ante is unreasonable.

Despite that, if it will avoid motion practice, we can agree that if you produce these custodians' files, we will not seek cross-production of custodians except (a) on the basis of new information we learn or (b) relating to any deponent on whom Plaintiffs are coordinating depositions with the News Plaintiffs in this district or the class plaintiffs in the N.D. Cal.

Please let us know whether you agree by Dec. 21.

Kind regards,
Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

From: Christopher S. Sun <CSun@keker.com>
Sent: Sunday, January 12, 2025 4:52 PM
To: Charlotte Lepic <CLepic@susmangodfrey.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; KVP-OAI <KVPOAI@keker.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: RE: AG v OAI - cross-production

EXTERNAL Email

Hi Charlotte,

Thanks for meeting and conferring with us about AG Plaintiffs' most recent custodian demand. In the interest of compromise, OpenAI will agree to AG Plaintiffs' demand to cross produce the custodial files of Suchir Balaji that OpenAI is producing in *In re ChatGPT* (in response to a separate demand by plaintiffs in that action). Those would be the same files that the News Plaintiffs demanded, and OpenAI agreed to cross-produce, in the News Cases.

We are waiting to hear back from you about our request for ideas about how to minimize the burden of custodial discovery going forward. Once we hear back about that, we are happy to continue considering and discussing AG Plaintiffs' request for cross production from the remaining three custodians you've identified.

Chris

From: Charlotte Lepic <CLepic@susmangodfrey.com>
Sent: Tuesday, January 7, 2025 8:26 AM
To: Christopher S. Sun <CSun@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; KVP-OAI <KVPOAI@keker.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: Re: AG v OAI - cross-production

[EXTERNAL]

Hi Chris, as I noted in my other email, we are available to discuss these custodians at 10 am pacific on Jan. 9 as you proposed, but please let us know your position before then so we can have a productive conversation.

Thanks,

Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

From: Christopher S. Sun <CSun@keker.com>
Sent: Monday, January 6, 2025 8:11 PM
To: Charlotte Lepic <CLepic@susmangodfrey.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; KVP-OAI <KVPOAI@keker.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: Re: AG v OAI - cross-production

EXTERNAL Email

Hi Charlotte,

Let's discuss this issue at the same time we discuss Plaintiffs' new document requests on January 9.

Chris

From: Charlotte Lepic <CLepic@susmangodfrey.com>
Sent: Saturday, December 28, 2024 4:22 AM
To: OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; KVP-OAI <KVPOAI@keker.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: AG v OAI - cross-production

[EXTERNAL]

Counsel,

We write to request that OpenAI produce the files of the following four custodians that it has produced in the News Cases in this district and/or in the action in the Northern District of California:

1. Suchir Balaji
2. Michael Lampe
3. Brad Lightcap
4. Wojciech Zaremba

These custodians are likely to have relevant, non-duplicative information and producing their files already reviewed and produced in other actions is not burdensome. Please confirm by Jan. 6, 2025 that you will produce these custodians' files or propose a time to meet and confer in the afternoon of Jan. 8.

Kind regards,

Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (c)

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